

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Marco Paulo Rodrigues Lorador, *et al.*,)
)
 Plaintiffs,)
 vs.)
)
 Michelle Kolev, *et al.*,)
)
 Defendants.)
)

Case No.: 2:21-cv-01650-GMN-BNW

ORDER

Pending before the Court is the Motion to Dismiss, (ECF No. 16), filed by Defendants Cirque du Soleil Nevada Newco, Inc., Treasure Island, LLC, Michelle Kolev, and Nicole Kolev (collectively, “Defendants”). Plaintiffs Marco Paulo Rodrigues Lorador and Paulo Renato Rodrigues Lorador (collectively, “the Alexis Brothers”) filed a Response, (ECF No. 23), and Defendants filed a Reply, (ECF No. 24).

This case arises out of Defendants’ alleged infringement of the Alexis Brothers’ copyrighted hand-balancing routine “Peace and Discord.” On March 10, 2022, the Court granted the Alexis Brothers’ Motion for Preliminary Injunction, (ECF No. 5), which prohibits Defendants from performing certain portions of “Peace and Discord.” (*See Order*, ECF No. 37). Defendants’ Motion to Dismiss argues that this case should be dismissed “on the grounds the alleged copyrighted material ‘Peace and Discord’ is not subject to protection under copyright law” because it is “material which cannot be copyrighted.” (Mot. Dismiss 1:24–25, 5:19, ECF No. 16). However, in the course of deciding the Motion for Preliminary Injunction, the Court already determined that “the copyright is presumed valid” and “Defendants failed to meet their burden to rebut the presumption of validity.” (*Order*, 8:5–13, ECF No. 37). Defendants’

1 Motion to Dismiss makes no arguments that were not previously addressed in the preliminary
2 injunction order, and thus, it is denied.

3 Accordingly,

4 **IT IS HEREBY ORDERED** that Defendants' Motion to Dismiss, (ECF No. 16), is
5 **DENIED.**

6 **DATED** this 6 day of August, 2022.

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10 Gloria M. Navarro, District Judge
11 United States District Court
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